

2024 Regular Session

HOUSE BILL NO. 832

BY REPRESENTATIVE HUGHES

COURTS/COURT COSTS: Provides relative to the assessment, collection, and distribution of certain court costs and fees in the parish of Orleans

1 AN ACT

2 To amend and reenact R.S. 15:168(B)(1) and 571.11(D)(1) and (3) and R.S. 22:822(A) and
3 to repeal R.S. 13:1381.5, R.S. 22:822(B)(3), Section 6 of Act 110 of the 2020
4 Regular Session of the Legislature of Louisiana, and Act 654 of the 2022 Regular
5 Session of the Legislature of Louisiana, relative to the assessment, collection, and
6 distribution of certain court costs and fees in the parish of Orleans; to provide
7 relative to the assessment of costs for the indigent defender fund in Orleans Parish;
8 to provide relative to the disposition of fines and forfeitures in Orleans Parish; to
9 provide relative to criminal bail bond annual license fees in Orleans Parish; to repeal
10 the judicial expense fund for the Criminal District Court for Orleans Parish; to
11 provide for an effective date; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:168(B)(1) and 571.11(D)(1) and (3) are hereby amended and
14 reenacted to read as follows:

15 §168. Judicial district indigent defender fund

16 * * *

17 B.(1)(a) Every court of original criminal jurisdiction, except in the town of
18 Jonesville, in the city of Plaquemine, in the parish of Orleans, and in mayors' courts
19 in municipalities having a population of less than five thousand, shall remit the
20 following special costs to the district indigent defender fund for the following
21 violations, under state statute as well as under parish or municipal ordinance, except
22 a parking violation. ~~Except as provided in Subparagraph (b) of this Paragraph, the~~

1 The sum of forty-five dollars shall be assessed in cases in which a defendant is
2 convicted after a trial, a plea of guilty or nolo contendere, or after forfeiting bond and
3 shall be in addition to all other fines, costs, or forfeitures imposed.

4 ~~(b) In the parish of Orleans, in addition to all other fines, costs, or forfeitures~~
5 ~~imposed, the sum of forty-five dollars may be assessed in cases in which a defendant~~
6 ~~is convicted after a trial, a plea of guilty or nolo contendere, or after forfeiting bond.~~

7 * * *

8 §571.11. Dispositions of fines and forfeitures

9 * * *

10 D.(1) All fines and forfeitures, including forfeitures of criminal bail bonds,
11 imposed in criminal cases and prosecutions by the courts of Orleans Parish and any
12 payments ordered as a condition of probation under Code of Criminal Procedure
13 Article 895.1(B)(2) shall, upon collection, be paid to the criminal sheriff of Orleans
14 Parish who shall deposit same in a special account, and shall thereafter be divided
15 equally between the district attorney of Orleans Parish and the ~~criminal district court~~
16 ~~of Orleans Parish~~ city of New Orleans to be used in defraying the expenses of the
17 criminal justice system in Orleans Parish.

18 * * *

19 ~~(3) The portion provided to the criminal district court of Orleans Parish~~
20 ~~pursuant to this Subsection shall be deposited into a special escrow account and~~
21 ~~retained for one year and shall then be disbursed to the city of New Orleans to be~~
22 ~~used in defraying the expenses of the criminal justice system of the parish,~~
23 ~~extraditions, and other expenses pertaining to the operation of the criminal justice~~
24 ~~system of Orleans Parish. No funds shall be disbursed from the special escrow~~
25 ~~account for any purpose previously set forth by the provisions of R.S. 13:1381.4~~
26 ~~prior to August 1, 2020.~~

27 ~~(4)~~ (3) Disbursements from the criminal sheriff's account to the ~~criminal~~
28 ~~district court~~ city of New Orleans and district attorney shall be made on an equal

1 basis and the accounts shall be annually audited by the director of finance of the city
2 of New Orleans.

3 * * *

4 Section 2. R.S. 22:822(A) is hereby amended and reenacted to read as follows:

5 §822. Criminal bail bond annual license fee

6 A. ~~On~~ Except in the parish of Orleans, on premiums for all commercial
7 surety underwriters who write criminal bail bonds in the state of Louisiana, there
8 shall be a fee equal to two dollars for each one hundred dollars worth of liability
9 underwritten by the commercial surety. Except as authorized under the provisions
10 of R.S. 13:718(I)(2), this shall be the exclusive fee or tax on any criminal bail bond
11 premium, including thereto premium taxes owed. In furtherance of the payment of
12 this premium fee all commercial surety underwriters underwriting criminal bail
13 bonds in the state of Louisiana shall, upon submitting the appearance bond and their
14 power of attorney, simultaneously pay to the sheriff of the parish, a fee of two dollars
15 for each one hundred dollars worth of liability on the bail bond being presented for
16 the release of a person on bail. Failure to pay the fee shall prevent the sheriff from
17 accepting the appearance bond and power of attorney. The sheriff may receive the
18 fee by check or cash and shall only accept it from the surety or the agent of the
19 surety. In the event a surety or agent of the surety presents payment of the fee by an
20 instrument which is returned for insufficient funds, the agent or the agent of the
21 surety shall be prevented from presenting the appearance bonds with their power of
22 attorney attached until the outstanding fees are paid to the sheriff.

23 * * *

24 Section 3. R.S. 13:1381.5 and R.S. 22:822(B)(3) are hereby repealed in their
25 entirety.

26 Section 4. Section 6 of Act 110 of the 2020 Regular Session of the Legislature of
27 Louisiana and Act 654 of the 2022 Regular Session of the Legislature of Louisiana are
28 hereby repealed in their entirety.

29 Section 5. This Act shall become effective on June 30, 2024.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 832 Original

2024 Regular Session

Hughes

Abstract: Provides relative to court costs and fees assessed in the parish of Orleans.

Present law provides that when a defendant is convicted after trial, enters a plea of guilty or nolo contendere, or forfeits bond, present law (R.S. 15:168) requires every court of original criminal jurisdiction to assess a special cost of \$45 to be remitted to the district indigent defender fund. Provides with respect to all courts of original criminal jurisdiction in parishes other than Orleans Parish, and authorizes, instead of requires, the assessment in courts of original criminal jurisdiction in Orleans Parish.

Proposed law removes the authorization to assess a special costs in courts of original criminal jurisdiction in Orleans Parish.

Present law (R.S. 15:571.11) provides that all fines and forfeitures, including forfeitures of criminal bail bonds, imposed in criminal cases and prosecutions by the courts of Orleans Parish and any payments ordered as a condition of probation shall, upon collection, be paid to the criminal sheriff of Orleans Parish, who shall deposit the funds into a special account, to be divided equally between the district attorney of Orleans Parish and the Criminal District Court for the Parish of Orleans. Provides that the portion of the funds dispersed to the district attorney of Orleans Parish shall be deposited into a special account to be administered in accordance with present law provisions.

Present law provides that the portion of funds dispersed to the Criminal District Court of the Parish of Orleans pursuant to present law shall be deposited into a special escrow account and retained for one year before being disbursed to the city of New Orleans to be used in defraying the expenses of the criminal justice system of the parish, extraditions, and other expenses pertaining to the operation of the criminal justice system of Orleans Parish.

Proposed law changes present law to provide that the funds shall be divided equally between the district attorney of Orleans Parish and, instead of the Criminal District Court for the Parish of Orleans, the city of New Orleans. Provides further that the funds shall be used to only defray the expenses of the criminal justice system in Orleans Parish.

Present law (R.S. 22:822) requires a fee on premiums for all commercial surety underwriters who write criminal bail bonds in the state of La. and provides that all premium fees collected by the sheriff shall be remitted within 60 days after receipt. In Orleans Parish, present law requires two dollars collected for each \$100 worth of liability underwritten by the commercial surety on all premium fees collected by the sheriff to be maintained, supervised, and distributed as provided in present law (R.S. 13:1381.5).

Proposed law repeals the present law (R.S. 22:822(B)(3)) provision regarding fees on premiums for commercial surety underwriters in Orleans Parish.

Proposed law repeals present law (R.S. 13:1381.5).

Proposed law repeals Section 6 of Act 110 of the 2020 Regular Session of the Legislature of La. and Act 654 of the 2022 Regular Session of the Legislature of La.

Effective June 30, 2024.

(Amends R.S. 15:168(B)(1) and 571.11(D)(1) and (3) and R.S. 22:822(A); Repeals R.S. 13:1381.5, R.S. 22:822(B)(3), §6 of Act 110 of the 2020 R.S., and Act 654 of the 2022 R.S.)